

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION

MDL 2724  
16-MD-2724  
HON. CYNTHIA M. RUGE

**THE UNITED STATES' STATEMENT OF INTEREST IN RESPONSE TO SPECIAL  
MASTER DAVID H. MARION's THIRD REPORT AND RECOMMENDATION  
RELATING TO BELLWETHER SELECTION**

Intervenor United States respectfully submits this statement of interest in response to Special Master David H. Marion's Third Report and Recommendation Relating to Bellwether Selection.

The United States takes no position on the ultimate question of which collection of plaintiffs, defendants, and allegations present the best candidate for a bellwether trial. Even so, we submit this statement of interest to acknowledge that the United States' impending request to extend the limited stay of depositions may practically impact the Court's decision.

The parties have held productive discussions about the requested extension of the stay and any potential effect it may have on bellwether selection. Based on these discussions, we are optimistic that any bellwether may be feasible, even with a limited stay. As the United States' requested stay likely narrows over time—and if the parties can sequence discovery to prioritize depositions of individuals unaffected by the stay—this matter should be able to progress efficiently no matter which bellwether is selected.

The United States will address in detail the requested stay by March 26, 2020. In this filing, we write only to address the possibility that the requested stay and bellwether selection share some common issues.

Dated: March 12, 2020

/s/ Nathan Brenner  
Nathan Brenner  
Jay Owen  
U.S. Department of Justice  
Antitrust Division  
450 5th Street, NW, Suite 11300  
Washington, DC 20530  
Telephone: (202) 598-2649  
nathan.brenner@usdoj.gov

*Counsel for Intervenor United States of America*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 12, 2020, I caused a true and correct copy of the foregoing document and its exhibits to be served upon the parties of record via ECF.

/s/ Nathan Brenner  
Nathan Brenner  
Jay Owen  
U.S. Department of Justice  
Antitrust Division  
450 5th Street, NW, Suite 11300  
Washington, DC 20530  
Telephone: (202) 598-2649  
nathan.brenner@usdoj.gov

*Counsel for Intervenor United States of America*